

Appel, Elizabeth

From: ARLINDA LOCKLEAR [REDACTED]
Sent: Tuesday, April 27, 2010 5:37 PM
To: Appel, Elizabeth
Cc: Kath Morgan; HSibbison@pattonboggs.com
Subject: Tejon documents
Attachments: Summary of Tejon Docs.pdf

Good afternoon, Liz (or morning, by the time you get this...)

We've prepared an index to the documents demonstrating the continuous federal recognition of, and federal supervision over, the Tejon Tribe. When read straight through, the documents are really very compelling. We hope this is helpful in your work on the issue.

As always, let us know if there is anything else we can do to be helpful.

Fyi, I'll be on the road myself Wednesday through the end of the week. But if you want to reach me, use my cell: [REDACTED]

Arlinda.

FOIA6

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EXPRESS EXTENSION OF FEDERAL SUPERVISION OVER TEJON TRIBE			
Date	Document	Location	Relevant Section of Document
June 10, 1851	June 10, 1851 Unratified Treaty Between United States and the "Chiefs, Captains and Head Men of the ... "Texon," &c., Tribes of Indians"	Exhibit 1	"A treaty of peace and friendship made and entered into a Camp Persifer F. Smith at the Texon pass, in the State of California, on the tenth day of June, eighteen hundred and fifty-one, between . . . the United States . . . and the chiefs, captains and head men of the following tribes . . . Texon [Kitanemuk][.] . . . [Signed by] Texon: Vincente, chief, Francisco, chief[.] "
Sept. 30, 1853	Superintendent Beal to Commissioner Maypenny	Exhibit 2	<p>"I immediately collected together the head men and chiefs and deputations from every quarter of the mountains and plains lying between the 'Four Rivers' and that point, a distance of about one hundred and fifteen miles in length, by about the same breadth.</p> <p>With these Indians I held council for two entire days, explaining to them the intentions of the government in relation to their future support. After long deliberation and much talk among their head men and chiefs, they agreed to accept the terms I had offered them[.]"</p>
Aug. 28, 1854	Thomas Henley, Superintendent of Indian Affairs in California to George W. Maypenny	Exhibit 3	<p>"Since entering upon my official duties on the 26th ultimo . . . I have visited the Indian reservation at Tejon, (the only reservation at which, as yet, any Indians have been collected,) and have taken possession and supervision of the public property, schedules of which will accompany my report at the expiration of the quarter.</p> <p>...</p> <p>I fix the number, however, according to the best information I could obtain, at seven hundred, who acknowledge the authority of seventeen chiefs.</p> <p>...</p> <p>The chiefs, at their own request, have been permitted to exercise police authority over their respective tribes, and are held responsible for the proper quota of labor from each tribe. The labor is divided among the chiefs, according to the number in each tribe[.]</p>
Aug 30, 1862	John Wentworth, Superintendent to Commissioner of Indian Affairs	Exhibit 4	"The Indians properly belonging at present to the Tejon reservation may be numbered at about 1,370, among whom are the following thrifty tribes or bands[.] . . . The Sierra or Caruana Indians [Kitanemuk], under their chief, Vicente, number 36 men, 40 women, and 20 children, they own 22 cows and 33 horses, and cultivate about 30 acres of land as their own farm."

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WITHDRAWAL OF LAND FROM PUBLIC DOMAIN AS RESERVATION FOR TEJON TRIBE			
Date	Document	Location	Relevant Section of Document
May 14, 1914	Department of the Interior temporary withdrawal of lands for Tejon "band of Indians, wards of the Government."	Exhibit 6	"[R]ecommendation is made that there be temporarily withheld from all forms of settlement and entry all vacant public lands . . . until the report that 100 Indians domiciled for years on the adjoining E1 Tejon Ranch, are about to be ejected from the ranch, may be investigated and the lands actually needed to protect the Indians ascertained."
Nov. 7, 1916 and Nov. 9, 1916	Chief Clerk, C.F. Hauke to the Honorable Secretary of the Interior	Exhibit 21	"The Office has the honor to recommend that . . . 880 acres, be temporarily reserved and set aside for the use of the E1 Tejon band of Indians, Kern County, California. . . . Approved and referred to the Commissioner of the General Land Office for action in accordance with the foregoing recommendation."
Aug. 2, 1962	Public Land Order 2738, 27 Fed. Reg. 7636	Exhibit 44	"The departmental order of November 9, 1916 temporarily reserving and setting aside the following described lands for use of the E1 Tejon Band of Indians, is hereby revoked."

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Federal Protection of Tribal Welfare and Efforts to Purchase Land For Tribe			Relevant Section of Document
Date	Document	Location	
May 21, 1914	Assistant Commissioner E.B. Meritt to Special Agent Asbury	Exhibit 7	"The Office desires that you proceed to the [Tejon tribal village] at the earliest practicable date for the purpose of making a full and complete investigation concerning the conditions surrounding the Indians referred to and to submit to this Office a report in detail so that appropriate action may be taken for the protection of these Indians."
Aug. 18, 1914	Report from Special Indian Agent Asbury to Commissioner of Indian Affairs	Exhibit 8	<p>"I have access to old reports of the Commissioner of Indian Affairs where I find reference to these Indians from the time the jurisdiction of the United States was extended over them.</p> <p>These Indians had lived at the same place for many years, one of the old men say from the time the sun came up the first time.</p> <p>They have continued to live on the ranch up to the present time but the number has diminished by death and removal to other places until at present there are about sixty Indians making their home there.</p> <p>I asked [Tejon Ranch] if they would sell us a small tract of land where the Indians live or give us some sort of Easement that would secure the use of that land to the Indians at least for a long term of years.</p> <p>Unless some ground can be found to support the claim of the Indians to rights to the land occupied it seems that it will be necessary for us to buy the land, if it can be bought, or to try to buy land of some one else in that same locality."</p> <p>"Will you sell to the Government, for the use of that band or Indians, a small tract of land covering their present homes with a water right for their present gardens?"</p>
August 19, 1914	Special Indian Agent Asbury to Mr. Harry Chandler, Los Angeles Times	Exhibit 9	
Jan. 25, 1915	Special Indian Agent Asbury to Mr. Harry Chandler	Exhibit 11	"I recommend the Tejon situation to be given first consideration and we are anxious to know whether there is a chance of purchasing some land there, in order that steps may be taken to use this money. <p>You understand, that we are anxious to secure a permanent home for those Indians, if possible."</p>
Dec. 12, 1915	December 12, 1915 Report and Census from Special Indian Agent John Terrell to Commissioner of Indian Affairs	Exhibit 14	<p>"I am not advise[d] as to nature and extent of these reports; however, regret to say that my investigation made among these people, having visited their Rancheria and carefully gone through and inspected each cabin home, causes me to conclude the citizens of Bakersfield have been fully justified in writing the Office in the interests of the Indians.</p> <p>This manager acting under instructions from the ranch owners by repeated and persistent efforts has . . . caused every Indian, except the Chief, . . . to sign some character of agreement or lease contract, which I suppose is intended more as recognition of the rights of the owners and an estoppel to the Indian setting up any claim to the land, than any thing else. The older Indians of this band have not entirely abandoned the conviction that they have a legal right to the land on which their old village was situated.</p> <p>Census of the Indians of El Tejon Band in Kern Co. Calif."</p>

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Federal Protection of Tribal Welfare and Efforts to Purchase Land For Tribe (cont'd)			
Date	Document	Location	Relevant Section of Document
Jan. 7, 1916	Assistant Commissioner E.B. Meritt to Superintendent Tule River School Frank A. Virtue	Exhibit 16	"The Office desires that you do all you can to protect the morality of these Indian girls and women, but it would not be advisable to start proceedings that could not be sustained, with the very probable result of bringing prosecution or eviction upon the Indians. Please submit a report upon this subject after you have had time to look into the matter."
March 6, 1916	Special Indian Agent John Terrell to Commissioner of Indian Affairs	Exhibit 17	<p>"I spent the better parts of four days in company with Mr. T.C. Castro of Bakersfield, and after reaching these Indians took with us three of their leading men as home, including their chief, Juan Lozada, in our efforts to find them a suitable location that could be purchased, but without success.</p> <p>...</p> <p>The most serious trouble is these Indians were born, raised and have never lived elsewhere than at and very near their present location, and Indian-like permit sentiment to almost entirely overshadow judgment."</p> <p>"In the hope that I might find suitable location for their removal either by purchase or allotments on Government lands . . . persuaded Juan Lozada, Chief of this band to accompany me on my recent trip through portions of Kern, Inyo and Tulare counties, having gone as far to the northeast as Bishop, California.</p> <p>...</p> <p>In conclusion beg to say I have almost given up that I shall likely succeed in securing suitable and available lands by purchase or allotments for the removal of these Indians, at least very far distant from their present location.</p> <p>[A]ll the older and middle aged Indians of this band, in fact all but a few of the younger, children, are full bloods, and except Chief Lozada, are without any education and but few have even a slight knowledge of the English language; that all have lived on present locations, or very close, in sight, all their lives; knowing no other locality, but little of other people or environments; and, Indian-like . . . are more ignorantly and persistently attached than ordinarily to the Tejon Canyon[.] It is but natural that in and around this spot of a long life-time association clusters many sacred memories of, to them, eventful past. Their dead as far back as they know are sleeping their last sleep within their every day sight.</p> <p>It will unquestionably prove a most difficult task to remove these Indians very far from present location, evidently it would require force to remove them.</p> <p>...</p> <p>My suggestion is, if possible to accomplish, to have set aside for use of these Indians all Government lands remaining untaken within these three Ranges and Township at the earliest possible moment."</p>
Sept. 21, 1916	Special Commissioner Indian Service John J. Terrell to Commissioner of Indian Affairs	Exhibit 19	

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United States' Pursues Land Claim Litigation on Tribe's Behalf			
Date	Document	Location	Relevant Section of Document
October, 1916	Department of the Interior Litigation Request to Department of Justice to protect the El Tejon Indians	Exhibit 20	<p>"I have the honor to transmit herewith a communication with enclosures received from the Office of Indian Affairs requesting the institution of a separate suit in the United States District Court for the Southern District of California to protect the interests of the El Tejon Indians in their homes located in Kern County, California.</p> <p>... The Office has the honor to submit the following statement of facts relative to the El Tejon Indians, with a view to having the Department of Justice take whatever action may be deemed advisable for the protection of their interests. . . . These Indians, now 79 in number, live near Bakersfield in Kern County, California, on lands which, if surveyed, would probably be described as Sec. 10, T. 11N., H. 17 W. . . . They maintain tribal relations and the record evidences a continued occupancy of these lands for at least 100 years.</p> <p>... The Office has prepared the enclosed draft of a letter to the Attorney General requesting that steps be taken by the proper United States Attorney to protect the interests of those Indians to whatever rights they may have to their village home. It is suggested that even if the home of these Indians might not be procured for them in fee by this method, the Syndicate might at least be placed in a position where it would be willing to compromise the matter by a sale to the United States at a reasonable price for the lands occupied by the Indians."</p> <p>"On Nov. 19 Mr. H.K. Palmer, Assistant Engineer, and one rodman, were detailed by this office to proceed to the Tejon Indian lands and make such surveys and investigations as were necessary to secure the required data. . . . The Tejon band of Indians have been living in the Tehachapi Mountains on the southern edge of the San Joaquin Valley since before the coming of the Spaniards to California."</p>
Jan. 14, 1918	Report and map of Tejon lands prepared by the United States Indian Irrigation Service	Exhibit 22	<p>"The Department of Justice has been requested by the Department of the Interior to bring suit in the Federal Court to protect these wards of the Government in their rights. We are here to commence such a suit and will, of course, carry it to the Supreme Court of the United States unless successful below. In it we will assert the Indian occupancy title not only to the small tract still under Indian cultivation, but to a much greater territory, once undoubtedly used by the Indians, subject to their right of possession and now needed by the tribe as at present constituted, but from which they have been forced.</p> <p>... This . . . is a clear case. It has been carefully and patiently investigated. Repressive force has been exerted in the name of a wealthy and powerful syndicate, against ignorant and helpless people whom it is especially the legal and moral duty of the United States to protect.</p> <p>... There is but one point on which there can be no give and take, namely, that the Government must obtain for the Indians permanent and undisturbed possession of an adequate tract under secure legal title."</p> <p>"Preliminary to carrying out our plan to see whether a satisfactory settlement could be made by agreement with the owners of the Mexican grant upon which the Tejon Indians are settled, before brings suit, we thought it desirable that Mr. Fraser and myself, be familiar with the situation on the ground. . . . After going over the Indian lands and talking to the Chief, we endeavored to open negotiations with the owners of the ranch through the resident manager[.] . . . We also saw Mr. Virtue, the Superintendent of the Tule River Indian Reservation, under whose jurisdiction these Tejon Indians come."</p>
May 28, 1920	Special Assistant to the Attorney General George Fraser to Mr. Harry Chandler, Tejon Ranch Syndicate	Exhibit 23	
April 24, 1920	Special Assistant to the Attorney General to the Attorney General	Exhibit 54	

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United States' Pursues Land Claim Litigation on Tribe's Behalf (cont'd)			
Date	Document	Location	Relevant Section of Document
Dec. 20, 1920	Bill of Complaint	Exhibit 71	<p>"This suit is brought under the authority and by the direction of the Attorney General of the United States at the request of the Secretary of the Interior . . . in furtherance of its Indian policy and also in its capacity . . . as guardian for sundry Indians known as the Tejon Band or Tribe of Indians now and from time immemorial residing on certain premises hereinafter described, in what is now Kern County, California; that said Indians are and from time immemorial have been tribal Indians, and at all times since July 7, 1846, have been and now are wards of the United States and at all time herein mentioned were and still are incompetent to manage their own affairs[.]"</p> <p>...</p> <p>[T]hat said Tejon Indians were and are the ancestors and predecessors of the existing band or tribe of that name; that up to the years 1843 and 1845, and for a long time thereafter, as hereinafter set forth, said Tejon Indians resided upon and exclusively possessed, used, and cultivated said premises above described, and as well said larger tract, raising crops and pasturing cattle, horses, and other stock thereon.</p> <p>...</p> <p>The suit is brought by authority of the Attorney General of the United States at the request of the Secretary of the Interior in furtherance of the Indian policy of the Government, which is here acting as guardian of a band or tribe of Mission Indians, wards of the United States, and incompetent to manage their own affairs, known as Tejon Indians, and from time immemorial residing on a described tract in Kern County, California. The above mentioned officials in bringing the suit are acting not only in the general line of their duty and in defense of the general Indian title of occupancy and use but also under the specific requirements of the Act of January 12, 1891, 26 Stat. 712."</p> <p>"From time immemorial the Tejon Indians have occupied a tract called the Tejon which includes the extreme southern end of the San Joaquin Valley, Kern County, California, and extends into the mountains adjoining. . . . In 1851, a treaty was negotiated with this tribe by commissioners delegated by Congress for the purpose, whereby, in consideration of the confirmation of certain lands to them for their exclusive occupancy and the performance of other conditions by the United States, they agreed to surrender the remainder of their territory; but the treaty was never ratified by the Senate and no treaty or agreement of any sort was ever consummated with these Indians.</p> <p>...</p> <p>We told him that facts and law had been considered, that the Interior Department had laid the matter before the Department of Justice stating that the condition of the Indians was unsatisfactory and making that suit be brought if it were thought maintainable that the latter Department, after careful consideration, had now decided, and that indeed it was not only the general but the specific duty of the Attorney General under the Act of 1891 to protect these Indians. . . . Finally, the case is in every way a meritorious one. The condition of these Indians is a reproach to our civilization. They are opposed to an aggregation of the wealthiest and most influential capitalists in Southern California and have no hope or recourse except through the intervention of the United States. . . . The tract which it is the purpose of the suit to secure for the band is in a remote corner of the Tejon Ranch where the presence of the Indians can in no way be an annoyance or detriment to their neighbors and as above pointed out, is in every way suitable and desirable for their maintenance."</p> <p>"In the capacity of guardian of a band of Mission Indians, incompetent to manage their own affairs, known as the Tejon Indians, residing on a described tract of land in Kern County, Cal., the United States brought a suit against the appellees, seeking to have the original title of occupancy and possession of the land by the Indians confirmed and established as a species of easement founded on the grant of title to the lands from the Mexican government, and to obtain compensation for alleged acts of wrong and oppression committed by the appellees, and to enjoin further molestation of the Indians. The particular subject of the suit is 5,364 acres within the boundaries of El Tejon rancho[.]"</p> <p>"This is a suit by the United States, as guardian of certain Mission Indians, to quiet in them a 'perpetual right' to occupy, use, and enjoy a part of a . . . land grant in Southern California[.]"</p>
June 29, 1921	Memorandum from George Fraser, Special Assistant to the Attorney General, to the Attorney General	Exhibit 25	
1923	<i>United States v. Title Insurance Co. Trust</i> Co., 288 F. 821, 823 (9th Cir. 1923)	Tab H	
1924	<i>United States of America v. Title Insurance Co. Trust Company</i> , 265 U.S. 472 (1924)	Tab C	

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United States' Supervision of Tejon Tribe After Supreme Court Litigation and Efforts to Secure Land			
Date	Document	Location	Relevant Section of Document
June 14, 1924	Telegram from Assistant Commissioner E.B. Meritt to F.G. Collett	Exhibit 26	"Your telegram thirteenth instant. Decision of Lower Court in EL Tejon case affirmed. Immediate steps will be taken for the relief of Indians to extent of funds available."
June 19, 1924	Assistant Commissioner Meritt to Superintendent L.A. Dorrington	Exhibit 27	"You are requested to make a careful investigation with a view to determining how large an appropriation should be requested at the next session of Congress to adequately provide land for the Tejon Indians, in addition to the \$7,900 you have already been authorized to use after July 1, 1924. It is desired that you report this information to the Office by telegraph at the earliest practicable date."
September 12, 1924	Secretary of the Interior Hubert Work to the Attorney General	Exhibit 28	"The Indian Bureau of this Department is in communication with the Superintendent of the Sacramento Agency, who has jurisdiction over the Tejon Band of Indians and he has been instructed to arrange for a conference with the Indians and the ranch owners with a view to ascertaining just what agreement might be made for the Indians to continue to occupy the land and receive employment on the ranch. ... The Superintendent's report . . . is expected within a short time whereupon the whole matter will receive careful consideration and special attention will be given to the proposition . . . that a portion of the land might be obtained for the Indians by condemnation proceedings if the ranch owners will not consent to the sale." ... "This will acknowledge receipt of your letter . . . having reference to the Tejon Band of Indians residing on the Tejon Ranch in Kern County, California. In reply kindly permit me to . . . advise that it had not been deemed expedient nor in the best interest of the Indians to hurry or attempt to force a conference such as contemplated, as the people owning the ranch . . . are very much occupied with other affairs . . . and any conference, or meetings held with the Indians at the ranch should be at their convenience and pleasure. My knowledge of conditions has prompted me to take this view of the situation and unless otherwise directed will act accordingly in the premises. For you information at this time kindly be further respectfully advised that the said Indians are now on the same land occupied by them for many years, and without any objection. That their school is being continued and conducted in the same satisfactory manner as since first established. ... About 75 Indians belonging to Tejon Band (see Telegram of 11/10/1924 82438-24 with 32382-24-313 Sacramento) "Reference is again made to the correspondence relating to the Tejon Band of Indians in California who lost their suit in the Supreme Court to have title confirmed in them to the land they have occupied for many years. A report has recently been received from the Superintendent of the Sacramento Indian Agency who has jurisdiction over these Indians, wherein he discusses their conditions." "Your telegram eighth. Approximately seventy-five Indians belong to Tejon Band of which twenty attend public school on Tejon Ranch."
October 18, 1924	Superintendent L.A. Dorrington to Commissioner of Indian Affairs	Exhibit 29	
November 3, 1924	Acting Secretary of the Interior E.C. Finney to Attorney General	Exhibit 30	
November 10, 1924	Telegraph from Superintendent Dorrington to Commissioner of Indian Affairs	Exhibit 29	

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United States' Supervision of Tejon Tribe After Supreme Court Litigation and Efforts to Secure Land (cont'd)		
Date	Document	Location
April 3, 1925	Assistant Commissioner E.B. Meritt to Superintendent Dorrington and May 8, 1925 response	Exhibit 31
June 23, 1927	Commissioner of Indian Affairs from Superintendent L.A. Dorrington	Attachment to Nov. 8, 2006 Letter to Interior
June 26, 1930	Secretary of the Interior Ray Wilbur to Vice President Curtis	Exhibit 34
March 28, 1938	Assistant Commissioner William Zimmerman to George W. Hurley, Esq.	Exhibit 36

"Further effort to satisfactorily adjust matters pertaining to the Tejon band will be continued.

You are requested to forward your report on the Tejon Indian situation at the earliest practicable date."

"Tejon which at one time was considered a Rancheria has passed through legal procedure and title has been declared to be in the Tejon Ranch. Effort has been made to purchase land the Indians occupied, but the owners of the Rancho refused to sell but have expressed their willingness that the Indians should remain there and occupy the land as formerly without any objection so long as they do not make legal claim for same. A rental of \$1.00 per year is charged them for occupancy of the land. It is useless to consider purchasing land for them elsewhere as they would positively refuse to move from their present habitation."

"In regard to purchasing some of these lands for the El Tejon Indians it may be said that by a decision of the United States Supreme Court June 9, 1924, in the case of United States of America, Appellant, v. Title Insurance and Trust Company, et al. (265 U.S. 472), the court held that title to the land occupied by these Indians was in the Title Insurance and Trust Company, et al., and that the Tejon Indians had no legal or valid title thereto or occupancy thereof.

However, the owners have been leasing to the Tejon Band the particular tracts, it is assumed, occupied by the Indians, for a nominal consideration of \$1.00 per year. This procedure is, of course, merely for the purpose of having the Indians recognize the lessors as owners of the property.

Correspondence in our files indicates that the Indians of the Tejon Rancho are free to do as they please without let or hindrance in regard to the privately owned lands which they occupy. As the situation in this case is viewed these Indians are generally industrious, self-supporting and contented under present conditions, and have not made any request or demand that lands be purchased for them or that conditions be changed, consequently, I question the wisdom of disturbing them in their present occupancy of the privately owned lands or in any way disrupting their evident orderly and peaceful mode of living."

"As the owners of the El Tejon Rancheria permit the Indians to reside peacefully on the lands occupied by them for a rental of \$1.00 per year, it is not believed that the existing relationship should be disturbed at this time; nor is it deemed advisable to ask Congress for legislation such as you suggest, especially as it would necessitate the appropriation of a large sum of money to pay for the lands involved."

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United States' Supervision of Tejon Tribe After Supreme Court Litigation and Efforts to Secure Land (cont'd)			
Date	Document	Location	Relevant Section of Document (Listing Rancheria in Kern County)
January 18, 1938	List of Agencies under the jurisdiction of the Office of Indian Affairs by Reservation and County	Exhibit 37	
April 1, 1941	List of Agencies under the jurisdiction of the Office of Indian Affairs by reservation or area, and county	Exhibit 38	(Listing Rancheria in Kern County)
August 13, 1952	Area Director Leonard Hill to Commissioner, Bureau of Indian Affairs	Exhibit 39	"Reference is made to our telephone conversation of a few days ago relating to the welfare of the Indian community, located on the El Tejon Ranch in Kern County, which was damaged by the recent earthquake in that area."
	Undated memo to the Commissioner regarding the earthquake at Tejon	Exhibit 40	"We do have a small frame school building located at the El Tejon Indian Community, but which is located on non-trust land. Several Indian families live in this immediate vicinity. None of which are on trust property."
June 3, 1953	Area Director Leonard M. Hill to Paul E. Herzog	Exhibit 42	"Reference is made to your letter of May 14, 1953, regarding the Indians who live on the El Tejon Ranch in Kern County. The Indian Bureau has been concerned over the welfare of these Indians for many years. . . . About 1915 a suit was brought in the Federal Court to establish the right of those Indians to the land which they occupied. However, the decision of the court was that the Indians did not have any right of occupancy on the ranch.[.] Therefore, the Indians are living on the El Tejon Ranch as tenants of the owners of that property. Since the land occupied by these Indians is privately owned, the government has no jurisdiction over the property and government funds appropriated to the Indian Service cannot be used for improving the facilities of these Indians."
Post 1957	BIA List of Reservations, Tribes and Dates of Acquisition and Disposition	Attachment to Nov. 8, 2006 Letter to Interior	"El Tejon - not a reservation - lands privately owned by Tejon Ranch See letter of 6-23-1927" Undated list contains statutes passed in 1958 (see Strawberry Valley Ranch)

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Department of the Interior's Funding of School at Tejon Ranch and Education of Tejon members			
Date	Document	Location	Relevant Section of Document
May 6, 1915	Special Indian Agent Asbury to Mr. Harry Chandler, Los Angeles Times	Exhibit 47	"I am of the opinion that our Office would enter into some sort of agreement with the County, whereby we would bear a part of the expense of maintaining the school there, if satisfactory arrangements can be made with the owners of the ranch. We understand, that we could not go there and build a building and maintain a school of our own, unless it was entirely agreeable with you and believe, that under the law, the Government could not build a building on land to which they did not have a title. If some arrangements could be made, whereby the County would maintain the district, provide the building, I feel sure that we could get the approval of a contract, whereby the Government would bear a large part of the expense of maintaining the school."
December 18, 1916	Special Agent Asbury to the Commissioner of Indian Affairs	Exhibit 48	"I am including herewith an application for contract with the Tejon district in Kern County, California, for twenty children. I am disposed to recommend a contract in this case with a view to giving it a trial. This particular band of Indians has been the subject of very extensive correspondence. The Office will recall that they have been threatened, so it is alleged, with ejection from their present home on the Tejon ranch, which is owned by a syndicate of Los Angeles capitalists. This band of Indians was a subject of investigation by me about August 1914 and I believe that Mr. Terrell has made some reports since and in fact, I think I have written a few letters since that time myself."
April 30, 1917	Acting Assistant Commissioner C.F. Hauke to Secretary of the Interior	Exhibit 51	"To admit to the public school in the district named during the fiscal year ending June 30, 1917 Twenty (20) Indian children between the ages of five and eighteen years, whose parents are members of Tejon tribe of Indians under the jurisdiction of the U.S. Special Indian Agent, Reno, Nevada."
	Lease between Joe J. Taylor, Superintendent & Physician of the Tejon River and the Indian School District	Exhibit 55	"This agreement, made and entered into this 1 st day of May A.D. 1922, by and between Joe J. Taylor, Superintendent & Physician of the Tule River Indian School and Agency, Porterville, California, on behalf of the United States, party of the first part, and Trustees of Indian School District - Pedro Villareal, F. Leon & J. R. Lozada party of the second part: Witnesseth; that said party of the first part, for and in consideration of instruction given unto Indian children, wards of the Federal Government, by Public School District El Tejon, Kern County, California, and other good and valuable consideration, does hereby let and lease unto party of the second part and to their successors in office, for us and occupation for the purpose of conducting therein a public school to which Indian children shall have access upon an entire equality with white children, for the period of three years, beginning on May first, 1922, the following described premises:"
December 27, 1920	Justification	Exhibit 57	"In the foothills of the Sierra Mountains in the State of California there is a settlement of Indians known as the Tejon Indian Settlement. The nearest public school is 9 miles distant. There are some 25 children of school age without educational privileges and the transportation of these Indians to an established school is impracticable. The Indians are wards of the Government and very poor. To meet this situation a school district has been established, which under the provisions of the California laws will draw enough state and county money practically to support the school. However, the Indians have no property which could be taxed to provide a schoolhouse, and arrangement is being made whereby the school district will agree to removal of any improvements which the United States may place on a tract of land leased for school purposes and it is planned to place a portable schoolhouse on the tract leased for the purpose which will provide school facilities for this group of Indians." "The Superintendent advises that advertising for portable schoolhouses has been made and the bids which it is proposed to accept is the lowest, most practicable and desirable."
November 2, 1924	Assistant Commissioner E.B. Meritt to L.A. Dorrington.	Exhibit 58	"Name Specifically tribe or tribes from which pupils are to be obtained under contract: Tejon Indian Tribe. Degree of Indian blood: over 1/2 Indian."

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Department of the Interior's Funding of School at Tejon Ranch and Education of Tejon members			
Date	Document	Location	Relevant Section of Document
December 28, 1923	Superintendent Dorrington to the Commissioner of Indian Affairs	Exhibit 59	"In the case of Tejon Indian District, Kern County, the estimated cost per pupil per day is 70¢, instead of \$1.31. In regard to the suggested reduction in rate, please be advised that after a most careful investigation of the circumstances under which this school is maintained, and from personal knowledge of the conditions peculiar to this district, it is the opinion of this office that the rate of fifty cents is not excessive and is absolutely necessary for properly maintaining desirable educational facilities. The public school authorities were consulted in the premises and under date of November 30."
Jan. 16, 1926	Assistant Commissioner Merritt to Superintendent Dorrington	Exhibit 60	"Authority is hereby granted you to expend during the fiscal year 1926 . . . from funds now being allotted you of Indian Schools Support . . . in payment of tuition for Indian pupils of your jurisdiction in attendance at the following Public School districts . . . Tejon Indian[.]"
August 23, 1944	Superintendent D.H. Biery to Edward Montez	Exhibit 64	"Your application for entrance to Sherman Institute has been approved."
May 29, 1945	Superintendent Rockwell to Commissioner of Indian Affairs	Exhibit 62	<p>"The El Tejon group of Indians have lived in that particular spot from time immemorial - as the Indians say, "From the time the sun first came up." Sometime in the 1850's, a Superintendent by the name of Beale came out from the East who . . . supported the idea that the old Spanish grant, now under the name El Tejon, should be Indian land. Apparently, money was not forthcoming for the purchase, and a few years later we find that Beale acquired the ranch.</p> <p>...</p> <p>In the Twenties, the whole matter came into the courts for settlement and for clearance of title. The court ruled that the title to this land was in the El Tejon Ranch Company and not in the Indians.</p> <p>This school building was built before final decision regarding the title to the ranch had been made. Our records do not indicate that any piece of land from the El Tejon Ranch was conveyed to the Government. . . . None of the surrounding land used by the Indians is Government-owned land. The Indians live on the ranch land - a very small place - use it, and work for the ranch; but they have no title to it.</p> <p>...</p> <p>It should, however, be borne in mind that here is a stable and small Indian population of perhaps ten or twelve families who have always lived on El Tejon Ranch and would probably continue to live there for a considerable period of time. I think it would be a better idea to have the school closed and the children transported to the Sunset School, as is now planned by Superintendent Hart. The important thing is that some way be found such that this building may be used in connection with the Sunset School."</p> <p>"The family home is on the El Tejon Ranch, where they have always lived as well as their parents and grandparents before them. It is in a remote area with no nearby public or federal high school and is not reached by school bus service. . . . [She is] full degree Indian and have never known any other students than Indian." Mildred Van Every, Sacramento Indian Agency Social Worker.</p>
Sept. 1947	Approval by Superintendent Rockwell of Nellie Himio Application to Sherman Institute	Exhibit 64	

INDEX OF FEDERAL DOCUMENTS - OVER A CENTURY OF FEDERAL RECOGNITION OF AND SUPERVISION OVER THE TEJON INDIAN TRIBE

Creation of List of Federally Recognized Tribes		
Date	Document	Relevant Section of Document
Aug. 23, 1994	Affidavit and Testimony of Patricia Simmons, before Administrative Law Judge Torbett, in <i>Greene v. Babbitt</i> , Case No. Indian 93-1 (USDOJ Office of Hearings and Appeals).	<p>Tab R</p> <p>"Q. So each area office was consulted to confirm its understanding of which groups were in a formal relationship, administered by them at the area level, is that correct?</p> <p>A. Yes, that was the purpose of submitting the list for their review.</p> <p>Q. And that would have been 19 -</p> <p>A. The same year, 66.</p> <p>Q. Late 60's?</p> <p>A. 66. 1966, after I did the initial draft and submitted it to my boss, it was ultimately circulated to the areas under a letter dated August 1966 for their review and comment.</p> <p>Q. And I take it from one of your earlier answers that the records of the review and comment are no longer in existence.</p> <p>A. I've not been able to find them."</p> <p>Q. Does this 1969 document reflect what you were referring to earlier as later work that began to take into consideration the question of federal recognition?</p> <p>A. The December 5th, 1969 is a revision of the list following comments received from the area.</p> <p>Q. It took three years to deal with problems?</p> <p>A. Sometimes it does.</p> <p>Q. Okay.</p> <p>A. And then you will note that the subject matter was recast somewhat.</p> <p>Q. Could you elaborate on that, how you see it being redefined as a list?</p> <p>A. Well, basically it indicated the areas were concerned the initial list would convey other than what it was intended. So it was recast to strictly reflect only those Indian tribes who we had some dealings in the form of IR-A constitutions, other constitutions, and those that were unorganized, but that we had some formal dealings with.</p> <p>In 1968, William E. Finale was named director of the Sacramento Area Office after five years of service as deputy assistant commissioner (community affairs) in Washington, D.C. Finale came to the Bureau of Indian Affairs in 1961 as senior program officer in Washington, D.C.</p>
1968	New BIA Sacramento Area Director	